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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,884	01/25/2006	Seiichi Itoda	32178-227629	8077
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VENABLE LLP				
P.O. BOX 34385				
WASHINGTON, DC 20043-9998				
EXAMINER				
SHOLEMAN, ABUS				
ART UNIT		PAPER NUMBER		
2437				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,884

Applicant(s)

ITODA, SEIICHI

Examiner

ABU SHOLEMAN

Art Unit

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02/17/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1.5 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1.5 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. I) Claims 1, 5 and 9-11 are pending in the present application.
II) Claims 1, 5 and 9-11 are amended.
II) Claims 2-4 and 6-8 are canceled.
2. Applicant's arguments, see pages 5-7, filed 02/17/2009, with respect to the rejection(s) of claim(s) 1-3 and 5-7 under 35 U.S.C § 102(e) and 4,8, 10-11 35 U.S.C § 103(a) under have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1, 5 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chainer et al (US 6957337) (hereinafter Chainer) in view of Hideaki et al (JP 2003044892) (hereinafter Hideaki).

As per claim 1, Chanier discloses "a multi-authenticating method also for use in organism authentication, comprising the steps of:

"making the organism authentication by using a physical feature of an authentication target and, when a result of said organism authentication indicates an affirmative, thereafter issuing an authenticating medium by which simple and prompt authentication can be made on the assumption that the affirmative result of the organism authentication is obtained wherein said authenticating medium is a personal property of the user of the organism authentication and used as an authentication target (Fig .3, column 6, lines 47-67, and column 7, lines 1-67, numeral 301 and 302 authenticate biometric data, thereafter issuing a password [authenticating medium is stored in smart card] which is based on biometric data and transmitting that password to communication unit [user to use this password to access a device]. A password is the personal property of the user to be used in the target device numeral 308);

authenticating the authentication target by using said authenticating medium and permitting use of another apparatus in accordance with a result of the authentication by said authenticating medium (Fig .3, column 7, lines 55-64, device 308 authenticates password [authentication medium in smart card] and permitting the user to use device to do some task based on the authentication of password[authentication medium] and column 8, lines 1-20, biometric –prints of the user is stored on smart card, the password is read by the authorizing machine).

But Chanier fails to disclose "searching data of the personal property and discriminating whether or not the use of an authenticating personal property apparatus is permitted on the basis of the searched data where if the use of the authenticating personal property apparatus is permitted the personal property is collected by a card

collecting unit as said authenticating medium and if the authenticating personal property apparatus is not permitted to be used, the card collecting unit returns the personal property to the user".

However, Hideaki discloses searching data of the personal property and discriminating whether or not the use of an authenticating personal property apparatus is permitted on the basis of the searched data where if the use of the authenticating personal property apparatus is permitted the personal property is collected by a card collecting unit as said authenticating medium and if the authenticating personal property apparatus is not permitted to be used, the card collecting unit returns the personal property to the user (Hideaki, par [0092], personal digital assistant 100A with fingerprint that is transmitted to the management equipment 10 for matching that fingerprint in the management tools for visitors. par [00141], the management equipment 10 discernment the personal property if the fingerprint does not match and it can automate to a visitor and the work which publishes discernment material can be quickly done on him).

Therefore, It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to modify the teaching of Chainer by including a personal digital assistant that is authenticated based on password or fingerprint stored therein that is taught by Hideaki because it would provide a higher level of security for assessing in the system.

As per claim 10, Chainer in view of Hideaki disclose Wherein the organism authentication is accompanied in the step of collecting the personal property as said

authenticating medium as (Hideaki, par [0097],[0077] visitor 's face picture [stored in card] is validated, par [0064] visitor management equipment is collecting user face picture for recognition information).

As per claim 5, this claim is directed to a system and contains limitations that are substantially similar to those recited in claim 1 above, and accordingly is rejected for similar reasons.

As per claim 9, Chainer in view of Hideaki disclose wherein said first authenticating apparatus writes all data necessary for subsequent authentication into the personal property of the user of the first authenticating apparatus (Hideaki, par [0092], personal digital assistant equipment 100A is storing fingerprint for authentication), and said second authenticating apparatus can solely discriminate whether or not the use of the another apparatus is permitted on the basis of the data obtained from said personal property (Hideaki, par 00141, visitor Management equipment is discerning visitor IC card if it is not authenticated by visitor management tools) .

As per claim 11, Chainer in view of Hideaki disclose wherein the organism authenticating unit which makes the organism authentication at the time of the collection of said personal property is provided in a recognizing apparatus having the collecting unit which collects the personal property as said authenticating medium as

(Hideaki, par 0097, visitor 's face picture [stored in card] is validated, par [0064] [0077] visitor management equipment is collecting user face picture for recognition information) .

Examiner Notes

5. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abu Sholeman whose telephone number is (571)270-7314. The examiner can normally be reached on Monday through Thursday 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 23, 2009

Abu Sholeman
Examiner
Art unit 2437

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art
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